

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

March 13, 2002

P. Sartorius called the meeting to order at 4:10 p.m., and roll was taken.

MEMBERS PRESENT: T. Harryman, B. Mazade, S. Warmington, P. Sartorius, T. Johnson, B. Smith, L. Spataro

MEMBERS ABSENT: T. Michalski, excused; J. Aslakson

STAFF PRESENT: D. Steenhagen, B. Moore, H. Griffith

OTHERS PRESENT: D. Dixon, Pastor for Second Timothy Missionary Baptist; L. Westerly, 760 Hill; E. Foster, 1441 Morgan; J. Bultema, 1920 Lakeshore; R. Aamadon, Baker College; T. Bosma, 557 W Western; S. Pulling, 502 W Webster; J. Pulling, 502 W Webster.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of February 13, 2003 was made by L. Spataro, supported by T. Harryman and unanimously approved.

S. Warmington arrived at 4:12 p.m.

PUBLIC HEARINGS

Hearing; Case 2003-4: Request for a Special Use Permit for a church at 1341 S. Getty St., by Second Timothy Missionary Baptist. D. Steenhagen presented the staff report. The subject property is located on Getty St., between Hill and Catawba Aves. The facility has an existing structure with paved parking, and is about a half-acre in size. The parking area is paved but in poor condition. The floor plan submitted shows a couple of classrooms in the church and a sanctuary that seats 50 people. No dimensions are provided on the building and should be provided to staff to help determine parking needs. The site plan submitted is inadequate in that it does not reflect property dimensions measurements for parking, and maneuvering areas. A new site plan should be submitted that: a) Is to scale and shows parking spaces and maneuvering lanes. b) Provides a minimum four-foot screen to residential uses to the south and west with curb stops to protect the screening. c) Shows that the principal building is at least 30 feet from surrounding homes. d) Provides information on drainage since there seems to be an existing problem on site. The pavement on this parcel is right up to the sidewalks, which is not a good idea for pedestrian safety. At least a few feet of separation or greenspace should be provided on both road frontages. In this case, with a preexisting situation, the Planning Commission may not want to require the 10-foot front setback greenspace on both frontages. Providing some landscaping on site at the Getty frontage is recommended. Perhaps curb stops

only could be provided on the Hill Ave. frontage. The Getty Corridor Plan discusses the need to improve the quality of design in developments as the opportunity arises. In addition to some landscaping and drainage improvement on the site, the Planning Commission may want to require a monument sign instead of a pole sign for the site. The applicant must contact the Inspections Department prior to any activity on site to determine building code requirements for the proposed use at the subject property. Any alterations, remodeling or “change of use” will require sealed architectural blueprints be submitted that reflect the building will meet current code requirements before any permits or certificate of occupancy can be issued. Tammy Houston of 783 Catawba is opposed to the request. She feels there is not enough parking for the use on site.

P. Sartorius asked if anyone had worked with the applicant on the site plan. D. Steenhagen stated that she wasn’t sure. P. Sartorius asked about the Getty St. Corridor Study in regards to this property. D. Steenhagen stated that the study doesn’t address individual properties. P. Sartorius asked if the use is compatible with the plan. D. Steenhagen stated that it is. T. Harryman asked how the property was used before this request. B. Mazade stated that the property had been a union hall.

B. Mazade left at 4:18 p.m.

D. Dixon stated that he had made inquiries with the Inspections Department. The Director of Inspections had guided him to the Planning Department. He had done the best that he could in regards to the site plan. P. Sartorius asked if there was anyone in his congregation that could help him with a detailed site plan showing dimensions. D. Dixon stated that he had hired an architect that has been in the building, took measurements, and looked at what would be needed to bring the structure up to code. P. Sartorius stated that the concerns that were in the staff report would need to be addressed in a new site plan. D. Dixon stated that there is adequate parking already. S. Warmington stated that he had ridden past this property and noticed that there was a sign announcing the church. He asked if the church was already functioning there. D. Dixon stated that they are. The realtor had said that the only thing that would be needed for the church to function there was handicap access. The union had already been using the property as an assembly hall.

B. Mazade arrived at 4:25 p.m.

D. Steenhagen stated that she would work with the applicant and the architect with their site plan. L. Westerly stated that he has lived in the area for 22 years. He has no problem with the church functioning at this location. He did have some concerns with parking due to when the union was there, the parking was terrible. The parking lot would be full along with both sides of Hill St. There were times when he couldn’t get into his driveway because it was blocked by vehicles that were attending the union.

T. Johnson arrived at 4:26 p.m.

P. Sartorius asked about the size of the congregation. D. Dickson stated that currently there are 14 families. T. Harryman asked how many people had attended the union meetings. L. Westerly stated that there were about 30 to 40 guys. E. Foster stated that there is sufficient

parking for the congregation that currently attends. Should the congregation grow, there is a vacant lot adjacent to this property that they could purchase in order to expand the parking lot. D. Dickson added that there is a difference between the union and the church. The union was made up of adult individuals, where as, the church is made up of families where there would be about 15 vehicles total.

A motion to close the public hearing was made by L. Spataro, supported by B. Smith and unanimously approved.

L. Spataro stated that he would have no problem with tabling this request. He isn't comfortable with approving the request at this time.

A motion that the special use permit and associated site plan for the church at 1341 Getty by Second Timothy Missionary Baptist be tabled, was made by B. Smith, supported by S. Warmington and unanimously approved.

Hearing; Case 2003-5: Request for a Special Use Permit for a church at 1050 W. Western Ave., by Shoreline Community Church. D. Steenhagen presented the staff report. The church is planning to take 4,040 square feet of the existing Hartshorne Center and has approximately 60 members. Primary use of the suite will be on Sundays from 10:00 a.m. to 1:00 p.m. The complex has a total of 475 parking spaces, more than adequate for the collection of uses on the site. Since the church is going into an existing complex, staff has no concerns about this use at this location. The applicant must contact the Inspections Department prior to any activity on site to determine building code requirements for the proposed use at the subject property. Any alterations, remodeling or "change of use" will require sealed architectural blueprints to be submitted that reflect the building will meet current code requirements before any permits or certificate of occupancy can be issued. Staff recommends approval of the request.

T. Johnson asked where this would be located at in the building. J. Bultema stated that it is located at the Western Ave. level which faces Western Ave.

A motion to close the public hearing was made by B. Mazade, supported by T. Harryman and unanimously approved.

A motion that the special use permit and associated site plan for a church at 1050 West Western by Shoreline Community Church be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2315 of the City of Muskegon Zoning Ordinance, was made by S. Warmington, supported by T. Harryman and unanimously approved.

NEW BUSINESS

Case 2003-6: Request for Site Plan Review for building and parking expansion at 1903 Marquette Ave., by Baker College. D. Steenhagen presented the staff report. The campus is already under a special use permit, which allows the college and ancillary campus uses of dormitories and a student center. This request is a site plan review for a new dormitory, parking expansion and an expansion of the student center. There is no information provided on existing

vegetation and what is to be removed and preserved for this project. The height of the dormitory must be provided. The RM-1 zone is limited to three stories. DPW has noted that there is a city easement for utilities that runs close to the new student dormitory. They are requiring that the easement be provided on the site plan and a letter be written for the record, from the college, acknowledging the easement. The structure needs to be at least 20 feet from the easement to permit digging space should the city need to access utilities in the easement. The Engineering Department had no issues regarding the site plan. The Police Department had no concerns regarding the site plan. The Fire Marshal had several concerns with the plan, which are addressed in the proposed conditions.

T. Bosma stated that the building would be 2 stories. T. Johnson asked if the height of the building would be on the revised site plan and if the easement is recorded. D. Steenhagen stated that the height would have to be shown on the revised site plan. She wasn't sure if the easement was recorded, but the easement does show up on the map. P. Sartorius added that if the easement isn't recorded, it should be. T. Bosma displayed a new site plan that showed where the easement is in relation to the rest of the site. There is more than the 20-ft. required set back from the easement. L. Spataro asked if there would be any screening between this development and Glen Oaks. D. Steenhagen stated that screening is required. R. Aamadon stated that there is almost a forest between the proposed development and Glen Oaks. P. Sartorius stated that this should be shown on the landscape plan if the trees are to be retained. They should also work with staff to see if the retainment of the trees are enough for screening. T. Bosma stated that they are going to look at what is there with B. Moore to see if the vegetation is enough for screening.

A motion that the site plan for a building and parking expansion at 1903 Marquette by Baker College be approved, based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2315 of the City of Muskegon Zoning Ordinance based on the following conditions: 1) The City's utility easement be reflected on the site plan and a letter of acknowledgement for the easement be provided for the file. 2) The building footprints and easement shall be staked and checked by staff prior to construction. 3) Limited trees shall be removed from site (only those necessary in the immediate construction area). Trees to be removed shall be marked and checked by staff prior to any tree removal for buildings or parking areas. Tree replacement measures may be required by staff pursuant to the Zoning Ordinance standards. 4) The fire lane around the new dormitory shall continue along the north end of the dormitory. The entire fire lane must support 76,500 lb. apparatus. 5) The height of the proposed dormitory must be provided on the site plan and shall be no more than three stories. 6) Hydrant locations shall be provided on the site plan. 7) During the building permit process: a) A keybox for fire department access shall be installed on the new buildings. b) Fire flow tests for the area must be submitted to the Fire Marshall. 8) Screening to the west (Glen Oaks) is required but may be provided by existing vegetation if okayed by staff, was made by B. Mazade, supported by L. Spataro and unanimously approved

OLD BUSINESS

Case 2003-1: Request for a Planned Unit Development on McLaren St., Village at Jackson Hill, by Findlay Development LLC (tabled). This case is to remain tabled. L. Spataro had concerns that if this doesn't proceed as originally planned; the commission members may want to look at

rezoning the property back to single family. D. Steenhagen stated that staff is still working with the applicant with the purchase of the property from the City.

Case 2003-2: Request for a Special Use Permit for a Bed & Breakfast in the Heritage District, 502 W. Webster Ave., by Sarah Pulling (tabled). D. Steenhagen presented the staff report. Staff spoke with the applicant. They have an LLC, and market and charge for their services. It is the intent of the applicant to have the home in her husband and father's names. The applicant was advised to attend this PC meeting and provide more information on how parking requirements will be accommodated. At the last meeting the question was posed about owner occupancy vs. a resident manager. The definition of "tourist home" in the ordinance is as follows: "Tourist Home - Bed and Breakfast Facilities: Any dwelling used or designed in such a manner that certain rooms other than those used by the resident family, and occupied as a dwelling unit, are rented to the public for compensation and shall cater primarily to the public traveling by motor vehicle." When asked about the owner-occupied issue vs. "resident family" issue the attorney indicated: "'Resident' is not defined in the zoning ordinance. Normal definition of 'resident' is 'to dwell permanently or for a substantial time'. Certainly someone could satisfy that condition without being the owner or even having an ownership interest in the property." Staff asked the HDC for their opinion of the propose use. The commission members were provided with an excerpt of their minutes. This is a large, historic home that the applicant recently purchased on the corner of Sixth and Webster. It is directly across the street from the Hackley Hume site. The lot is 66 by 145 feet. The applicant wishes to make the home a specialty bed and breakfast and indicates they expect not more than 10 guests at any one time, primarily on the weekends. Parking needs would be 7 spaces (two for the resident and 5 for guests). On street parking (on Sixth) could be used spring through fall. Under the ordinance, the HDC is supposed to be afforded the opportunity to comment on special uses in the Heritage Zone. There was some concern expressed at the last meeting about a concentration of Bed and Breakfast facilities in close proximity that could undermine the single-family nature of the immediate area. Staff is told that a family member of the applicant will be living in the home. The applicant must contact the Inspections Department prior to any activity on site to determine building code requirements for the proposed use at the subject property. Any alterations, remodeling or "change of use" will require sealed architectural blueprints be submitted that reflect the building will meet current code requirements before any permits or certificate of occupancy can be issued." Staff recommends approval of the request with conditions, if the HDC is comfortable with the proposal.

S. Pulling provided the commission members with an updated site plan. P. Sartorius asked if the applicant had shown this site plan to staff. S. Pulling stated that B. Moore had told her to bring it to the meeting. J. Pulling stated that they had purchased the home for summer use and his father would be residing in the home. There is sufficient parking behind the garage. He has no intentions of removing the existing tree. He would like to pave this area with an approved hard surface. T. Harryman asked where the access would be for the parking area. J. Pulling stated that it would be from the driveway. T. Harryman asked if the alley would be left as is. J. Pulling stated that it would. T. Johnson asked about the bushes that were in the site plan. J. Pulling stated that they are existing bushes. He intends to trim them. T. Johnson asked if he planned on removing the fence. J. Pulling stated that he was. T. Johnson asked about the paving. J. Pulling stated that he would like to put in a suitable surface. He doesn't want to make the property look bad. He is open to whatever a good surface would be. L. Spataro stated

that there is a wide range of hard permanent surfaces. There should also be drainage. T. Johnson asked if everything should be completed before approval. P. Sartorius stated that the public hearing has been closed. The commission members would need to be specific with what they would like to see. L. Spataro stated that the HDC has no formal authority over use issues. They were concerned with parking. There is no on street parking in the winter and in the summer parking is at a premium. There are already 2 Bed & Breakfasts within a block of this. This is a residential area and this may be too high of intensity for the area. P. Sartorius stated that residency and parking has been addressed. There are issues regarding a Bed & Breakfast or a retreat for scrap booking. J. Pulling stated that this would only be on weekends and a residence during the week. People come in and do crafts. This wouldn't appear to be a Bed & Breakfast. S. Pulling added that she had included copies of letters from some of her guests to the commission members. Usually she has a group of ladies. Some never leave the house. Some may go out to dinner, antique stores, or go for a walk through the neighborhood. The group is not rowdy. P. Sartorius stated that the home shouldn't have the appearance of a rooming house. S. Pulling stated that there would be no signs and this would only be for 2 or 3 weekends per month. T. Harryman asked if there was a charge for this. S. Pulling stated that there is. L. Spataro stated that the commission members would want to make sure that they aren't setting a precedent. The people that live in this area have worked hard at getting this area back to residential. The commission members would want to be sure that they aren't opening this area for commercial uses. T. Johnson asked what the charge was for. S. Pulling stated that it is for room and board, crafting, and teaching, but mostly for room and board and table space. B. Mazade asked if she has seminars without guests staying. S. Pulling stated that she doesn't. L. Spataro stated that there would need to be more specifics for the parking. Before any exterior work can be done on the property, it would need to go before the HDC for approval. He would prefer to table this until the next meeting. P. Sartorius stated that this should go back before the HDC before the PC makes a decision. He suggested that the applicants make some sort of presentation before the HDC so the HDC could make a recommendation to the PC.

S. Warmington left at 5:13 p.m.

A motion that the special use permit and associated site plan for a Bed and Breakfast at 502 W. Webster be tabled, was made by L. Spataro, supported by T. Johnson and approved with S. Warmington not available for the vote.

S, Warmington arrived at 5:16 p.m.

Case 2003-3: Request for a rezoning from R-1, Single-Family Residential to RM-1, Low Density Multiple-Family Residential for the NE corner of Getty St. and Oak Ave., by Ron Boeringa (tabled). D. Steenhagen presented the staff report. In the past few years, this property has been the subject of a B-4 rezoning request, a use variance request, and a Planned Unit development request (all for a mini-storage facility and all denied). The subject property is located within two different zoning districts, R-1 and OSC. The property has frontage along Getty St., as well as Oak Ave., and contains a portion of the Ryerson Creek ravine in the rear portion, and along the Getty St. frontage. There is a vacant business located on the R-1 portion of the subject property, Vanderstelt Greenhouses. This existing use is non-conforming. There has been some assertion that this property is difficult to develop, because of a significant slope and floodplain, which limits design options. During one of the previous cases on this property,

staff suggested that if the owner felt single-family zoning was inappropriate for the site, perhaps a PUD under an RT or R-1 zoning would allow some flexibility on how structures were placed on site. This request only involves the single-family (R-1) area and not the OSC designated area of the parcel. The applicant is proposing a low-density multi-family development (4-plexes) although the district permits three stories and 16 units per acre. The OSC portion of the parcel could be part of the required 15% open space in a RM-1 or PUD development. Staff asked if the development was intended to be "market rate". The applicant indicated that was his intent, but the applicant is not obligated to make it "market rate." The Future Land Use Map shows a small portion of the subject property, right on the corner of Getty St. and Oak Ave., to be Single & Two-Family Residential. The rest of the subject property is shown as Open Space. The Master Land Use Plan states: *Ryerson Creek and Fourmile Creek traverse the sub-area [12]. These systems provide wildlife habitat, greenspace, and help to identify the area's character. It is the goal of the Master Plan to maintain the residential integrity of the sub-area, while setting aside small segments suitable for commercial and industrial uses in a highly compatible, non-threatening fashion. Strip commercial development of a mixed variety is found along Apple Avenue near the US-31 and Getty Street intersections... An industrial area is located near the intersection of Getty Street with Seaway Drive (Skyline Drive). This area is situated directly across from the Teledyne Continental Plant. The industrial area is isolated/buffered by woodlands and wetlands associated with the Muskegon River.* 1. The Master Plan recommends for this sub-area: *Clustered commercial development should be confined to the US-31 and Getty Street intersections, consistent with similar development identified in Sub-Areas 3 and 4.* 1. The subject property is located several blocks north of the more commercialized Apple Avenue corridor, and is almost completely surrounded by residential uses and some vacant, open space behind. The Master Plan clearly recommends that the focus of the area stay residential. If the Planning Commission is comfortable with this parcel moving out of a single-family zoning designation, staff would recommend an RT designation with a PUD for the applicant, which would allow for flexibility in lay-out but keep the density lower. Staff feels that an RM-1 designation at this time is too intense for the area and a density at the RM-1 level is not supported by the Master Plan.

P. Sartorius asked staff to see what the intention of the applicant is regarding this request. If the applicant fails to respond by the next meeting, the commission members should make a decision on this request. B. Mazade also had concerns with due process. He has no problem with making a recommendation today. He asked staff if the applicant had been notified of the meeting. H. Griffith stated that the applicant was mailed a copy of the agenda along with a copy of the staff report. This is done for all applicants. T. Johnson stated that due process has been satisfied. The applicant could always re-apply.

A motion that the request to rezone property at 808 Oak, from R-1, Single-Family Residential to RM-1, Low Density Multiple-Family Residential be recommended for denial to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of lack of compliance with the intent of the City Master Land Use Plan and zoning district intent, was made by S. Warmington, supported by B. Smith and unanimously approved.

OTHER

2003/2004 Workplan – The commission members were each provided with the list. They each were allowed 10 votes to be placed on what they felt was important to them. They may use more than 1 vote on an item. Once completed, the sheets were given to D. Steenhagen.

Harbour Towne Sidewalks – B. Mazade felt it would be best for B. Moore to give an update on this at the next meeting.

There being no further business, the meeting adjourned at 5:33 p.m.

hmg
3/13/03